

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

AVCO CORPORATION,

Plaintiff-Counterclaim
Defendant,

v.

TURN AND BANK HOLDINGS,
LLC, AND PRECISION
AIRMOTIVE, LLC,

Defendants-Counterclaim
Plaintiffs,

v.

AVSTAR FUEL SYSTEMS, INC.

Counterclaim Defendant.

No. 4:12-CV-01313

(Chief Judge Brann)

ORDER

AUGUST 31, 2022

In accordance with the accompanying Memorandum Opinion, **IT IS
HEREBY ORDERED** that:

1. TNB's motions *in limine* (Doc. 491) are **GRANTED** in part and **DENIED** in part, as follows:

- A. TNB's motion to exclude evidence related to the validity of the RSA Marks and evidence underlying Avco/AVStar's reasons for adopting "the RSA model designations in the 2009–2011-time

frame, the historic use of the model numbers by Avco and others, whether Avco/AVStar thought the designations were trademarks when adopted, the meaning of the model designations and similar information” is granted;

- B. TNB’s motion to exclude from the jury trial evidence related to actual confusion is granted, although Avco may present evidence that it had no intent to confuse or deceive when it adopted the RSA Marks; and
- C. TNB’s motion to exclude from the bench trial evidence related to actual confusion is denied.

2. Avco’s motions *in limine* (Doc. 493) are **GRANTED** in part and **DENIED** in part, as follows:

- A. Avco’s motion to exclude evidence of safety issues and lawsuits related to AVStar servos is granted;
- B. Avco’s motion to preclude evidence related to trademark lawsuits, bankruptcy proceedings, and products liability lawsuits is granted;
- C. Avco’s motion to exclude evidence of actual confusion is granted to the extent that such evidence shall be precluded from the jury trial, and evidence related to a mis-tagged servo shall be excluded from the bench trial. However, Avco’s motion is denied

as to other evidence of actual confusion that TNB may seek to present at the bench trial;

- D. Avco's motion to exclude pleadings, orders, and the settlement agreement in the North Carolina Case is granted;
- E. Avco's motion to preclude evidence of other trademark applications and registrations is granted; and
- F. Avco's motion to exclude evidence of its continued use of the RSA Marks during the pendency of this case is denied.

BY THE COURT:

s/ Matthew W. Brann

Matthew W. Brann
Chief United States District Judge